

Amendments to the Claims:

Please amend claims 1, 5, 37, 43, 44, and 55. Please cancel previously presented claims 6 and 42. Following is a complete listing of the claims pending in the application, as amended:

1. (Currently Amended) A method of using a distribution system for distributing images to client systems, the method comprising:

~~in response to receiving a communication~~tracking communications received at
the distribution system from a client system via a communications link, ~~recording an indication that the client system communicated with the distribution system via the communications link~~wherein a communication received from the client system includes a time associated with the communication; and

for an image that is to be distributed by the distribution system to a client system,
determining whether ~~an indication has previously been recorded that a~~time associated with a most recently received communication from the client system ~~has communicated with the distribution system via the communications link~~is within a certain time period;

~~if it is determined that an indication has previously been recorded that the~~time associated with the most recently received communication from the client system ~~has communicated with the distribution system via the communications link~~is within the certain time period, sending the image to the client system via the communications link;
and

~~if it is determined that an indication has not previously been recorded~~that the time associated with the most recently received communication from the client system ~~has communicated with the distribution system via the communications link~~is not within the certain time period, ~~indicating to send~~sending the image to the client system via a mechanism other than the communications link.

2. (Original) The method of claim 1 wherein the communications link is the Internet.

3. (Previously Presented) The method of claim 1 wherein the mechanism other than the communications link comprises a physical computer-readable medium.

4. (Previously Presented) The method of claim 3 wherein the computer-readable medium comprises a disc-based medium.

5. (Currently Amended) The method of claim 3 further comprising if it is determined that ~~an indication has not previously been recorded the time associated with the most recently received communication from~~ the client system ~~has communicated with the distribution system via the communications link~~ is not within the certain time period, recording the image on the computer-readable medium.

6. (Canceled)

7. (Previously Presented) The method of claim 1 wherein if the sending of the image to the client system via the communications link fails, sending the image to the client system via a mechanism other than the communications link.

8. (Previously Presented) The method of claim 1 wherein the communication received from the client system is a heartbeat that is sent periodically to the distribution system by the client system.

9-36. (Canceled)

37. (Currently Amended) An image distribution computing system having a processor and memory, comprising:

a component that receives via a communications link communications from client systems;

a component that provides packages of images to be distributed to client systems;

a component that determines, for a package of images that is to be distributed to a client system, whether the package of images should be distributed to the client system via the communications link or via a mechanism other than the communications link based on ~~whether a communication has recently been received via the communications link from~~when the client system last communicated with the image distribution computing system via the communications link; and

a component that directs the distribution of a package of images to a client system in accordance with the determination,
wherein the components are implemented as instructions stored in the memory for execution by the processor.

38. (Previously Presented) The system of claim 37 wherein the communications link is the Internet.

39. (Previously Presented) The system of claim 37 wherein the mechanism is a physical computer-readable medium.

40. (Previously Presented) The system of claim 39 wherein the computer-readable medium is a disc-based medium.

41. (Previously Presented) The system of claim 39 including a component that records the package of images on the computer-readable medium.

42. (Canceled)

43. (Currently Amended) The system of claim 37 wherein the communications received from the client system ~~systems~~ ~~includes~~ ~~include~~ heartbeat communications.

44. (Currently Amended) The system of claim 37 including a component that sends via the communications link ~~a~~ the package of images to ~~a~~ the client system.

45. (Previously Presented) The system of claim 37 wherein each package of images includes images selected based on preferences for the client system to which the package is to be sent.

46. (Previously Presented) A method in a computer system for distribution of images to a client system, the method comprising:

receiving via the Internet heartbeat communications from a client system, the heartbeat communications being HTTP requests;

recording an indication of receipt of the heartbeat communications from the client system;

determining whether an image is to be sent to the client system via the Internet or via some other mechanism based on heartbeat communications received from the client system as indicated by the recorded indications of the receipt of heartbeat communications; and

sending the image to the client system via the Internet or via some other mechanism based on the determination.

47. (Previously Presented) The method of claim 46 wherein the mechanism is a physical computer-readable medium.

48. (Previously Presented) The method of claim 47 wherein the computer-readable medium is a disc-based medium.

49. (Previously Presented) The method of claim 47 including recording the image on the computer-readable medium.

50. (Previously Presented) The method of claim 46 wherein the determination is made based on when the client system last sent a communication via the Internet.

51. (Previously Presented) The method of claim 46 including sending via the Internet the image to the client system.

52. (Previously Presented) The method of claim 1 wherein the communication received from the client system is transmitted at the initiative of the client system.

53. (Previously Presented) The system of claim 37 wherein the communication received from the client system is transmitted at the initiative of the client system.

54. (Previously Presented) The method of claim 46 wherein the heartbeat communications received from the client system are transmitted at the initiative of the client system.

55. (Currently Amended) A computer-readable medium having stored thereon computer-executable instructions that, if executed by a computing system, cause the computing system to perform a method comprising:

~~in response to receiving a communication~~tracking communications received at
the computing system from a client system via a communications link, ~~recording an~~
~~indication that the client system communicated with the computing system via the~~
~~communications link~~wherein a communication received from the client system includes
a time associated with the communication; and

for an image that is to be distributed by the computing system to a client system,

determining whether ~~an indication has previously been recorded that a~~
time associated with a most recently received communication from the client system
~~has communicated with the computing system via the communications link is within a~~
certain time period;

if it is determined that ~~an indication has previously been recorded that the~~
time associated with the most recently received communication from the client system
~~has communicated with the computing system via the communications link is within the~~
certain time period, sending the image to the client system via the communications link;
and

if it is determined that ~~an indication has not previously been recorded that~~
the time associated with the most recently received communication from the client
system ~~has communicated with the computing system via the communications link is not~~
within the certain time period, ~~indicating to send~~sending the image to the client system
via a mechanism other than the communications link.

56. (Previously Presented) The computer-readable medium of claim 55 wherein the communication received from the client system is transmitted at the initiative of the client system.

57. (Previously Presented) The computer-readable medium of claim 55 wherein the communication received from the client system is a heartbeat that is sent periodically to the distribution system by the client system.